

Appln. No. 09/863,169  
Amendment

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested. Claims 21, 23, 25 and 27 are currently being amended, and no claims are currently being canceled or added. Thus, claims 21-28 are pending in the application.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 21-28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,907,115 to Matsunaga et al. ("Matsunaga"). Applicants respectfully traverse these rejections.

Applicants have amended independent claim 21 to recite that the audio processing and image generating apparatus comprises a "game machine" and that the image generated based on a result of an analysis of the audio signal is a "game image". These amendments are supported by Applicants' specification at, for example: page 1, lines 13-15; page 7, line 26 to page 8, line 2; page 8, line 26 to page 9, line 1; and page 36, lines 6-9.

Applicants have also amended independent claim 21 to recite "wherein the means for analyzing the audio signal performs a frequency analysis and/or an amplitude analysis of the audio signal for a certain period of time" and "wherein the means for generating the game image generates a predetermined game image based on a result of the frequency analysis and/or the amplitude analysis of the audio signal". These amendments are supported by Applicants' specification at, for example, original claims 2 and 3.

Independent claims 23, 25 and 27 have been amended in a similar manner.

Applicants assert that the amendments to the independent claims clearly distinguish Matsunaga et al. Specifically,

Appln. No. 09/863,169  
Amendment

Matsunaga et al. relates to a musical instrument, namely, a keyboard musical instrument. This is not a game machine and does not generate any game image, as is now recited in Applicants' amended independent claims.

Furthermore, the Examiner asserts that Matsunaga et al.'s guide display device 9 corresponds to Applicants' recited "means for generating an image". Matsunaga et al.'s guide display device 9 includes a large number of LEDs 63 to 69 that are arranged on a keyboard suppressing member 62, as is illustrated in Matsunaga et al.'s FIG. 5. (See Matsunaga et al., col. 5, line 59 to col. 6, line 5).

Matsunaga et al. disclose that the guide controller 8 drives the guide display device 9 based on the play data that is supplied by the MIDI device such that the LEDs 63 to 69 are turned on to show a key to be depressed and indicate cover ranges for left and right hands. (See Matsunaga et al., col. 4, lines 6-8, and col. 6, lines 6-28).

However, Matsunaga et al. are silent about the "frequency analysis" and the "amplitude analysis" that Applicants have added to their independent claims. Specifically, Matsunaga et al. do not disclose that "the means for analyzing the audio signal performs a frequency analysis and/or an amplitude analysis of the audio signal for a certain period of time", nor do Matsunaga et al. disclose that "the means for generating the game image generates a predetermined game image based on a result of the frequency analysis and/or the amplitude analysis of the audio signal", as are recited in Applicants' amended independent claim 21. Such analyses are not required to drive Matsunaga et al.'s guide display device 9 in the manner they describe. As such, Applicants' claimed "frequency analysis" and the "amplitude analysis" are not disclosed or suggested in Matsunaga et al.

Therefore, the rejections of Applicants' amended independent claims 21, 23, 25 and 27 should be withdrawn.

Appln. No. 09/863,169  
Amendment

Furthermore, the rejections of dependent claims 22, 24, 26 and 28 should also be withdrawn for at least these same reasons

Fees Believed to be Due

No extra claims fees are believed to be due.

Fees are included herewith for a petition for a one-month extension of time to respond.

CONCLUSION

Applicant submits that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

Date:

2/3/06

  
Richard E. Wawrzyniak

Reg. No. 36,048

Attorney for Applicant(s)

Address all correspondence to:

FITCH, EVEN, TABIN & FLANNERY  
Richard E. Wawrzyniak  
120 So. LaSalle Street, Ste. 1600  
Chicago, IL 60603  
Tel.: (858) 552-1311  
Fax: (858) 552-0095